

179 Mar. 5

STATE REGISTER



STATE OF MINNESOTA

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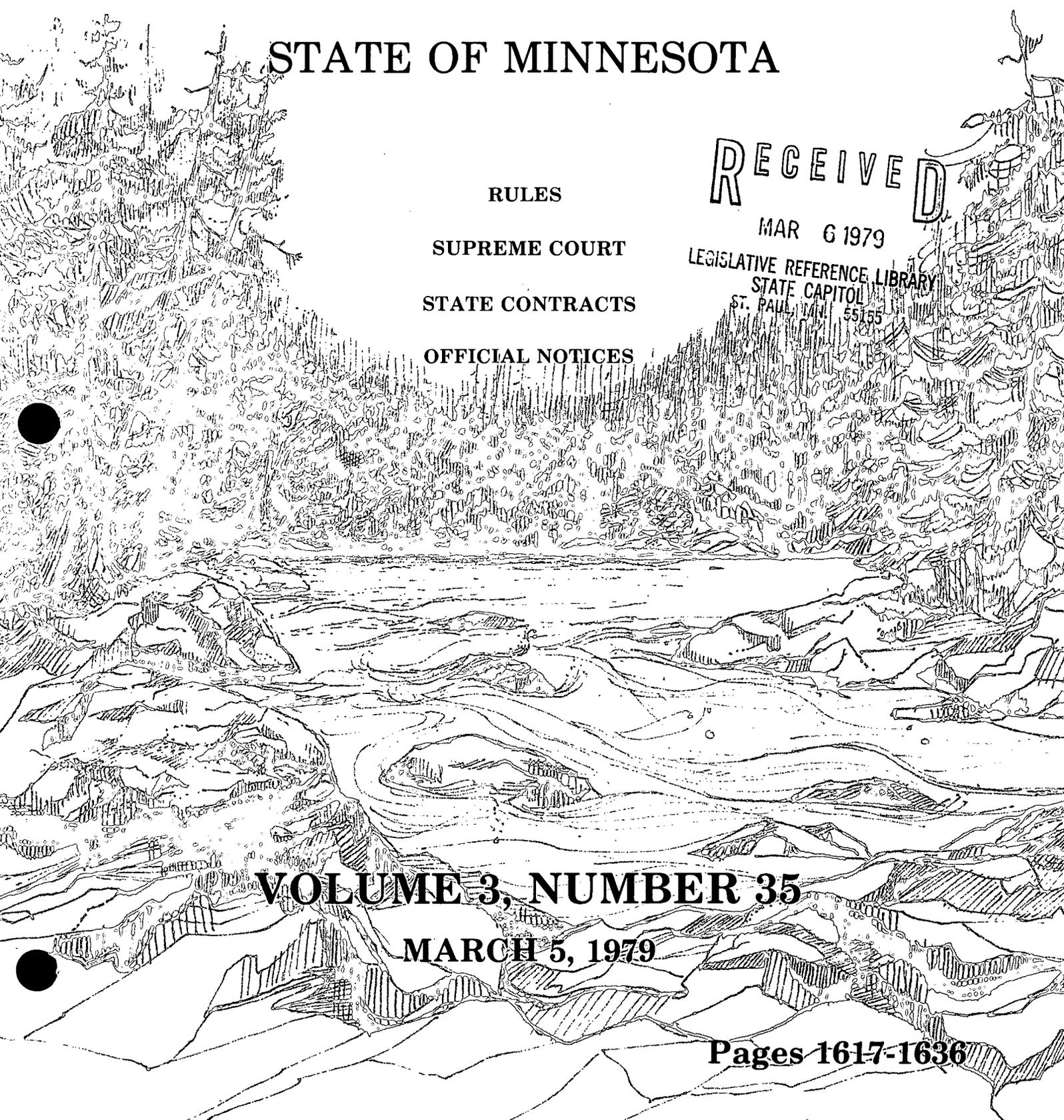
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VOLUME 3, NUMBER 35

MARCH 5, 1979

Pages 1617-1636





STATE REGISTER

Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices.	Issue Date
SCHEDULE FOR VOLUME 3			
36	Monday Feb 26	Monday Mar 5	Monday Mar 12
37	Monday Mar 5	Monday Mar 12	Monday Mar 19
38	Monday Mar 12	Monday Mar 19	Monday Mar 26
39	Monday Mar 19	Monday Mar 26	Monday Apr 2

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

**Notices of Public Hearings on proposed rules are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, Suite 415, Hamm Building, 408 St. Peter Street, St. Paul, Minnesota 55102.

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Subscribers who do not receive a copy of an issue should notify the *State Register* Circulation Manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, and official notices to the public. Judicial notice shall be taken of material published in the *State Register*.

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MCAR AMENDMENTS AND ADDITIONS **CALENDAR**

Public Hearings on Proposed Agency Rules March 12-16, 1979

The following is a listing of all proposed and adopted rules published in this issue of the *State Register*. The listing is arranged in the same order as the table of contents of the *Minnesota Code of Agency Rules* (MCAR). All adopted rules published in the *State Register* and listed below amend the rules contained in the MCAR set. Both proposed temporary and adopted temporary rules are listed here although they are not printed in the MCAR due to the short term nature of their legal effectiveness. During the term of their legal effectiveness, however, adopted temporary rules do amend the MCAR. A cumulative listing of all proposed and adopted rules in Volume 3 of the *State Register* will be published on a quarterly basis and at the end of the volume year.

TITLE 5 EDUCATION

Part 3 Teaching Board

5 MCAR § 3.086 (adopted)1624

TITLE 7 HEALTH

Part 1 Health Department

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7 MCAR § 1.139 (adopted)1623

Date	Agency and Rule Matter	Time and Place
Mar 15	Dpt. of Administration Building Code Division Rules for Display of Symbol of Accessibility	9:00 a.m., Conference Rm., 408 Metro Square Bldg., 7th and Robert Sts., St. Paul, MN
	Hearing Examiner: Harry Seymour Crump	

RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 15.0412, subd. 4, have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption as proposed and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strike outs and new language will be underlined, and the rule's previous *State Register* publication will be cited.

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 15.0412, subd. 5. Notice of his decision will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under subd. 4.

Department of Health Environmental Health Division

Adopted Rule Relating to Water Conditioning Contractors and Installers

Rule 7 MCAR § 1.135, which was proposed for adoption and published at *State Register*, Volume 3, Number 14, pp.

699-703, October 9, 1978 (3 S.R. 701), is hereby adopted with the changes shown below.

Rule as Adopted

7 MCAR § 1.135 Water conditioning contractors and installers.

A. Scope and applicability. This rule prescribes minimum standards and procedures for all water conditioning installations and servicing in single family dwellings. Any person who installs or services water conditioning

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equipment, whether or not such person is licensed pursuant to Minn. Stat. §§ 326.57-326.66 (1978), must comply with the standards and procedures prescribed in this rule, and with the applicable provisions of the current version of the Minnesota Plumbing Code, 7 MCAR §§ 1.120-1.134 (formerly MHD 120-134).

B. Definitions.

1. "Water conditioning equipment" (equipment) means any appliance, appurtenance or fixture designed to treat water, so as to alter, modify, add or remove any minerals, chemicals or bacteria contained in water;

2. "Installation" as defined in Minn. Stat. § 326.61, subd. 1 (1978) includes:

a. the connection of any water conditioning equipment to an existing water distribution system,

b. the connection of the line carrying conditioned water to a water distribution system, or raw water to points not needing conditioned water,

c. the connecting of drain and overflow lines which drain the equipment, and

d. the providing of an air gap between the drain and overflow lines and the receiving building receptor;

3. "Commissioner" means the commissioner of health;

4. "Disinfect" means to destroy pathogenic bacteria and other harmful organisms;

5. "Servicing" means repairs or adjustments to any water conditioning installations;

6. "Water conditioning contractor" means the person in a firm or corporation who has demonstrated skill in planning, superintending, installing and servicing water conditioning installations;

7. "Water conditioning installer" means a person, other than a water conditioning contractor, who has demonstrated practical knowledge of water conditioning installation and servicing;

8. "Receptor" means an open, accessible, individual waste sink, floor drain, or other fixture which is trapped and

vented in accordance with the Minnesota Plumbing Code (7 MCAR §§ 1.120-1.134);

9. "Raw water" means water which has not passed through any water conditioning equipment;

10. "Water distribution system" means a water supply system as defined in the Minnesota Plumbing Code (7 MCAR § 1.121).

C. Procedure

1. Any water conditioning equipment may be installed only in connection with a water distribution system which has already been constructed. Such connection may be made either by cutting into a cold water line or by connecting to a joint specifically installed for the purpose.

2. In connecting the equipment the contractor or installer may use only the type of pipe material which is permitted in the Minnesota Plumbing Code. (7 MCAR §§ 1.120-1.134)

3. Every installation shall include the installation of a by-pass valve which would allow the equipment to be serviced or removed without the need for shutting off the water service completely.

4. If the homeowner so requests, the installer or contractor is permitted to install a line which by-passes the water conditioning equipment and to connect this raw water line to any existing service outlet.

5. Equipment drain: The equipment drain line shall drain into the existing receptor such as a floor drain or laundry tub. No drain or overflow line leading from the equipment shall be directly connected to any receptor. Between the delivery end of the drain or overflow line and the receptor, there must be an air gap which is at least two times the diameter of the drain or overflow line, but in no case shall the air gap be less than 1.5 inches. This air gap distance shall apply above the flood level rim of the receiving fixture to provide the required air gap. If flexible drain line is used, it must be secured in some manner to prevent its being accidentally moved.

6. Restoring structural integrity: ~~In the process of installing or servicing any water conditioning equipment, the finished floors, walls, ceiling, tile work or any other part of the building or premises which may be affected by such installation or servicing must be reconstructed or replaced in a~~

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manner which complies with applicable provisions of the State Building Code.

7. 6. Location: Any water conditioning equipment and the piping necessary to install such equipment shall not be placed in such a location or manner so as to interfere with the normal operation of existing windows, doors, or other exits or openings, nor shall it be located in such a place so as to make other existing equipment inaccessible.

8. 7. Regeneration sanitation procedures. All new or used water conditioning equipment shall be disinfected before being installed. All portable exchange water conditioning equipment shall be disinfected during every regeneration. Disinfection shall be achieved by the application of chlorine or a chlorine compound such as sodium or calcium hypochlorite, during the fresh water rinse, to provide an effluent minimum chlorine residual and time combination as given in the following table:

<u>Minimum Time Minutes</u>	<u>Minimum Chlorine Residual — parts per million</u>
4	20
5	15
10	7.5
15	5.0
20	4.0

9. 8. If an installation cannot be made in conformance with the Minnesota Plumbing Code (7 MCAR §§ 1.120-1.134) or with the provisions contained in this rule, the water conditioning contractor or installer shall consult with the appropriate plumbing inspector, and obtain a variance from the state rules before the installation may proceed. Such a variance can be granted only if the nonconforming alternative will not create a risk to health.

D. Equipment and materials used in installations.

1. Where applicable, the following shall conform to the Minnesota Plumbing Code (7 MCAR §§ 1.120-1.134):

a. all materials and connections used in the installation of water conditioning and treatment equipment;

b. all attachments to the building.

2. In accordance with the Minnesota Plumbing Code (7 MCAR §§ 1.120-1.134):

a. the by-pass valve assembly shall be full way and the same size as the line in which it is installed and shall be a full-way valve unless a by-pass valve which complies with Section C.3 is supplied as an integral part of the water conditioning equipment;

b. joints and connections which are made in the course of installing water conditioning and treatment equipment shall be tested for water tightness;

c. copper tube joints shall be soldered or brazed;

d. soft copper tubing joints may be flared or soldered;

e. vertical piping shall be secured at sufficiently close intervals to keep the pipe in alignment and carry the weight of the pipe;

f. horizontal piping shall be supported at sufficiently close intervals to keep it in alignment and prevent sagging.

E. Licensing.

1. Examination.

a. A written examination for the licensing of water conditioning equipment contractors and installers shall be given at least once per year. The licensing examination for contractors and installers shall include questions covering one or more of the following subject areas: relevant plumbing and installation provisions, materials and tools of the trade, general principles of water conditioning processes and operation of water conditioning equipment. In addition to the above, the contractor's licensing examination shall include questions covering one or more of the following subjects: calculations to determine appropriate equipment size, and specific functions and processes involved in different types of water conditioning.

b. The examination for the installer's license shall be given only to persons who have had at least 6 months experience in the field of water conditioning installation and servicing.

c. The examination for the contractor's license shall be given only to persons who have had at least 12 months experience in planning and supervising the installation and servicing of water conditioning equipment.

d. A person applying to take an examination shall complete an application supplied by the Minnesota Department of Health and return the completed application along with the appropriate examination fee.

e. Only fees from persons who do not qualify for examination will be returned.

f. A grade of 70% shall be considered a passing grade.

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g. The applicant shall be notified of the results of the examination.

2. License. A license shall be issued to an applicant who has passed the examination upon receipt of the appropriate license fee.

F. Fees.

1. The fee for application for examination or re-examination shall be \$10.00 for a water conditioning installer, and \$25.00 for a water conditioning contractor.

2. The fee for a new license or for renewal of an existing license shall be as follows:

Water Conditioning Installer	\$10.00
Water Conditioning Contractor	\$25.00

G. Renewal. A license shall expire on December 31 of the year for which it was issued. An application for renewal of a license must be received by the Minnesota Department of Health no later than December 31. Any person who submits an application for license renewal after December 31 shall pay a penalty of \$5.00 in addition to the annual license fee. One who does not renew a license issued pursuant to these rules, within two years of the date on which the former license expired, is no longer entitled to a renewal license. Such person must apply for re-examination and a new license.

Adopted Amendments to Rule Relating to Licensing of Plumbers

Amendments to Rule 7 MCAR § 1.139 which were proposed for adoption and published at *State Register*, Volume 3, Number 14, pp. 699-703, October 9, 1978 (3 S.R. 700) are hereby adopted with the changes shown below.

Amendments as Adopted

7 MCAR § 1.139 (formerly MHD 139) Plumbing.

A. Plans and specifications.

1. Prior to the installation by any person, corporation, or public agency, of a system of plumbing that serves the public or that serves any considerable number of persons, or any plumbing system that shall affect the public health in

any manner, complete plans and specifications, together with any additional information that the ~~State Board Commissioner~~ of Health may require, shall be submitted ~~to the Board~~ in duplicate and approved by ~~them~~ the commissioner. The appraisal of the ~~Board~~ commissioner shall reflect the degree to which these plans and specifications affect the public health and conform to the provisions of the Minnesota Plumbing Code. No constructions shall proceed except in accordance with approved plans. Any material alteration or extension of the existing system shall be subject to these same requirements. This regulation shall not apply to cities of the first class, except those plumbing installations in hospitals or in buildings in these cities owned by the federal or the state government.

2. There shall be no physical connection between water supply systems that are safe for domestic use and those that are unsafe for domestic use. There shall be no apparatus through which unsafe water may be discharged or drawn into a safe water supply system.

B. Examination and licensing of plumbers.

1. Examinations for journeyman and master plumber licenses shall be held in March and September of each year. Applications for the March examination shall be filed not later than February 15 and for the September examination not later than August 15.

2. In addition to satisfactorily passing an examination given by the plumber's examiners, the applicant for a journeyman plumber's license shall have had not less than 4 years of practical plumbing experience and the applicant for a master plumber's license shall have had not less than 5 years of practical experience.

C. Examination; Initial and Renewal License Fees; License Expiration Dates; Late Fee; Master's Bond and Insurance Fees.

1. Fees for Examination. Applications to take the journeyman or master plumbers examination shall be submitted to the ~~State Board~~ commissioner of health on forms provided ~~by it~~ together with a fee of \$25.00.

2. Fees for License. Any applicant who receives a passing grade on the examination may submit an application for license on forms provided by the ~~State Board~~ commissioner of health. The application shall be accompanied by a fee of \$15.00 for a journeyman plumbers license or \$40.00 for a master plumbers license.

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RULES

3. Expiration Date.

a. Initial and renewal journeyman and master plumbers licenses shall be issued for the calendar year for which application is made and shall expire on December 31 of such year. Any journeyman or master plumber who submits his renewal application after December 31 shall not work as a journeyman or master plumber until he has submitted an application, fee, and penalty fee.

b. Any licensee who does not renew his license within two years is no longer eligible for renewal. Such person must retake and pass the examination before a new license will be issued.

4. License renewals. Applications for license renewal shall be submitted to the ~~State Board~~ Commissioner of Health on forms provided by it no later than December 31 of the year preceding the year for which application is made. The application shall be accompanied by a fee of \$15.00 for a journeyman plumber and \$40.00 for a master plumber.

5. Fees for late renewals. Journeyman and master plumbers who submit their license renewal applications after the time specified in subpart 4. above but within two years after expiration of the previously issued license shall pay all past due renewal fees plus an additional \$8.00.

6. Fee for filing bond and insurance. Master plumbers who file a bond and evidence of liability insurance with the Secretary of State, pursuant to Laws of 1978, ch. 604, § 1, shall pay an additional fee of \$25.00.

Board of Teaching

Adopted Rule Governing Teachers of American Indian Language and/or American Indian History and Culture

The rule proposed and published at *State Register*, Volume 2, Number 8, p. 330, August 29, 1977 (2 S.R. 330) is now adopted with the following amendments:

Rule as Adopted

§ MCAR § 3.086 Teachers of American Indian language and culture.

A. Upon the recommendation of the school board of a Minnesota school district, the board of teaching shall in accordance with this rule authorize the issuance of a license to teach an American Indian language and culture to any person

who has achieved and demonstrated competence in teaching an American Indian language and culture.

Nothing in this rule shall prohibit a school board from employing a person to teach an American Indian language and culture who does not hold the license authorized by this rule.

B. An application for a license authorized by this rule shall be submitted by the superintendent or other authorized official of a school district on behalf of an individual who has demonstrated competence in teaching an American Indian language and culture. The application shall indicate the specific language, culture, and grade levels to be taught by the applicant, and shall also include the following:

1. An affidavit of the applicant attesting that the candidate is fluent in speaking an American Indian language and has demonstrated competence in the areas of listening, comprehension, reading, and writing the language for which licensure is requested and has a thorough knowledge and understanding of the culture of people who speak the language as natives; and

2. Certified copies of resolutions attesting to the applicant's competence from at least two of the following: the tribal government governing the tribe or community speaking the language for which licensure is requested; the reservation business committee serving the tribe or community speaking the language for which licensure is requested; the local Indian education committee serving the tribe or community speaking the language for which licensure is requested; or other body governing or serving the tribe or community speaking the language for which licensure is requested; or two (2) certified statements from authorized officials of professional or learned societies, organizations, or institutions who are qualified to assess the applicant's competence to teach the language and culture for which licensure is requested; that they have assessed the applicant and the applicant is competent to teach the language and culture of the American Indian language for which licensure to teach is requested; and

3. Certified copies of the resolution adopted by the school board of its intention to employ the applicant to teach the American Indian language and culture; and

4. A processing fee as established by the board of teaching.

C. Each application for licensure shall be sent to the director of teacher licensing who shall review it and recommend appropriate action to a committee of the board of teaching. The committee shall determine the validity of the application; review all material submitted; and shall decide on behalf of the board whether the license should be issued.

D. The license issued hereunder authorizes the holder to teach the American Indian language and culture at the grade

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levels approved by the board of teaching for the school district which forwards the application.

E. The license shall be valid for a one-year period and renewable for one year increments upon the receipt by the director of teacher licensing of a certified copy of the resolution adopted by the school board of its intention to reemploy the applicant and notwithstanding any rule to the contrary the individual applicant shall show evidence of professional growth by the acquisition of 15 renewal units approved and granted by the local continuing education committee prior to the date of the application.

F. The board of teaching shall review this rule at least every five years following enactment. The initial review shall include specific proposals for a rule authorizing issuance of a standard two year entrance license.

G. This rule shall become effective July 1, 1978.

5 MCAR § 3.086 Teachers of American Indian language and/or American Indian history and culture.

A. The Board of Teaching shall, in accordance with Minn. Stat. § 126.49 and the provisions of this rule, authorize the issuance of a license to teach an American Indian language and/or an American Indian history and culture to any person who has achieved and demonstrated competence in an American Indian language and/or knowledge and understanding of an American Indian history and culture.

Nothing in this rule shall prohibit a school board from employing a person to teach an American Indian language and/or an American Indian history and culture who does not hold a license authorized by this rule.

B. An application for a license authorized by this rule may be submitted by persons on their own behalf or may be submitted by the superintendent or other authorized official of a school district, or a nonsectarian nonpublic, tribal or alternative school offering a curriculum reflective of American Indian culture, on behalf of a person who has demonstrated competence in an American Indian language and/or knowledge and understanding of an American Indian history and culture. The application shall specify the language, and/or the history and culture, and grade levels to be taught by the applicant and shall also include the following:

1. Certified copies of resolutions attesting to the competence in an American Indian language and/or the knowledge and understanding of an American Indian history and culture of the applicant from at least two of the following:

a. The tribal government governing the tribe or community speaking the language and/or representing the history and culture for which licensure is requested,

b. The reservation business committee serving the tribe or community speaking the language and/or representing the history and culture for which licensure is requested,

c. The local Indian education committee serving the tribe or community speaking the language and/or representing the history and culture for which licensure is requested,

d. Other bodies governing or serving the tribe or community speaking the language and/or representing the history and culture for which licensure is requested,

OR

e. Two certified statements from authorized officials of professional or learned societies, organizations, or institutions who are qualified to assess the competence of the applicant in the language and/or the knowledge and understanding of the applicant of the history and culture for which licensure is requested; that they have assessed the applicant and the applicant is competent in the language for which licensure to teach is requested and/or possesses knowledge and understanding of the history and culture for which licensure to teach is requested; and

2. A processing fee as established by the Board of Teaching.

C. Each license issued hereunder authorizes the holder to teach an American Indian language and/or an American Indian history and culture at the grade levels approved by the board of teaching.

D. Each license shall be valid for a one-year period and renewable for one year increments. Notwithstanding any rule to the contrary the individual applicant shall show evidence of professional growth by the acquisition of 15 renewal units approved and granted by the local continuing education committee prior to the date of each renewal application.

E. The Board of Teaching shall review this rule at least every five years following enactment. The initial review shall include specific proposals for a rule authorizing issuance of a standard two-year entrance license.

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SUPREME COURT



Settlers and supplies reached early Minnesota on Mississippi River steamboats like these shown at the St. Paul landing in 1858. The boats were so crowded that many passengers had to sleep on the open decks, for the steamers also carried food, coal, tools, cattle, and the many other things needed on the frontier. The boats pictured are the "Time and Tide," the "Jeanette Roberts," the "Frank Steele," and the "Grey Eagle."

Decisions Filed Friday, February 23, 1979

Compiled by John McCarthy, Clerk

48561/352 Leslie W. Krumm vs. R. A. Nadeau Company, et al, Relators. Workers' Compensation Court of Appeals.

Minn. St. 1975, § 176.645, and Minn. St. 1977, § 176.645, which provide for yearly cost-of-living adjustment in disability benefits commencing October 1, 1976, and every October 1 thereafter, apply to all employees who become entitled to disability benefits in the year following each adjustment.

Affirmed. Rogosheske, J.

48302/327 In the Matter of the Petition of Rio Vista Non-Profit Housing Corporation for Review of Objections to Real Property Taxes Payable in 1976, Appellant, vs. County of Ramsey, State of Minnesota. Ramsey County.

Appellant nonprofit corporation, which provides housing under a Federally subsidized program to families of modest income. qualifies as a tax-exempt institution of purely public charity.

Minn. St. 273.13, subd. 17, which imposes a 20-percent tax on certain low-rent housing, does not apply to tax exempt institutions of purely public charity.

Reversed. Todd, J. Took no part, Otis, J.

48178/409 Ronald M. Barlage vs. The Place, Inc., et al, Appellants, and Tenth Frame, Inc., d.b.a. Prior Place, defendant and third party plaintiff, Appellant, vs. Kenneth Grapper, Rocky Brinkman, et al, B & D Bar (Gerald Hafermann, Licensee). Scott County.

The trial court acted within its discretion in refusing to disclose the terms of a loan-receipt settlement agreement to the jury, where the agreement had been fully disclosed to all the parties and did not affect the adversary nature of the trial.

The issue whether the damages awarded are excessive must be analyzed in terms of the particular plaintiff injured.

A nonsettling tortfeasor may not recover contribution after having dismissed with prejudice his action against the settling tortfeasor.

Affirmed. Todd, J. Took no part, Otis, J.

STATE CONTRACTS

Pursuant to the provisions of Laws of 1978, ch. 480, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services con-

tract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal.

Department of Administration Telecommunications Division

Notice of Availability of Contract for TELPAK and/or IXC Circuit Routing, Costing, and Management Programs

Providing:

1. Least cost circuit route via TELPAK and/or IXC between any two given locations together with segment cost details.
2. TELPAK/IXC segment costs for any specified circuit or network.
3. Status of TELPAK segment fill, with flag for fill at threshold and an indication of segment fill below cost effectiveness.
4. Least cost evaluation of TELPAK or other network alternatives.
5. Listing of installed, deleted and suspended circuits together with dates of action.

Programs shall be optimized to Minnesota tariff and rate centers. Operation is preferably in Fortran IV for IBM 370/168 batch and RJE. Delivery will include source codes, user manual, installation and training. Contract has \$20,000 budget.

General inquiries and proposals should be sent to:

Warren P. Burrell
Telecommunications Division
Department of Administration
G-4 Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155
(612) 296-6585

Proposals must be received by 4:00 p.m., March 15, 1979.

Department of Economic Security Employment and Training Division

Notice of Request for Proposals to Develop and Conduct a Multi-media Campaign for Job Service Offices in Northern Minnesota

Specifications Request for Proposal — Media Campaign

The request for proposal should specify a multi-media campaign to cover an area of northeastern Minnesota. Funds available appear to be in the neighborhood of \$18,000 with specific reference to the Job Service offices located at Hibbing, Virginia, and Duluth. The intent is to develop a multi-media campaign emphasizing the ability of the Job Service to place professional applicants in employer job openings; to provide a ready market of job openings for qualified job applicants; to develop applicant potential and encourage significantly increased use of the Job Service by professional applicants and employers seeking such applicants; to expose traditional Job Service placement techniques to employers and job applicants for all jobs — professional, industrial and service, and to further community awareness and acceptance of the vital role in the placement process accruing to the Job Service.

The proposal should contain the following elements:

1) Design of multi-media (radio, television, newspaper, other media slots) campaign over six-month period emphasizing professional placement and including a promotion of clerical, industrial and service placement activities. (The design should emphasize professional placement while providing a suitable mixture of the remaining elements.)

2) Design should be progressive and complementary in its advertising format.

3) Design should include specific significant media times and locations and selection of appropriate media enterprises.

STATE CONTRACTS

4) The overall campaign should include specific planning of "open house" at Virginia and Duluth locations at the appropriate time in the campaign.

5) Development of suitable promotional tapes.

6) Develop concepts to promote the usage of Job Services by larger numbers of qualified professional applicants.

7) Develop a newsletter format.

Inquiries and formal expression of interest should be directed to:

Richard Foss, Manager
Job Service Area Office
407 West Superior Street
Duluth, Minnesota 55802

Proposals must be submitted to the Duluth Job Service Office no later than 12:00 p.m. (noon), March 27, 1979.

Department of Economic Security Management Support Division

Notice of Request for Proposals for an APL Computer Service

Agency Name and Address: Minnesota Department of Economic Security Management Support Division, 390 North Robert Street, St. Paul, Minnesota 55101.

Contact Person: Persons or organizations wishing to receive this Request For Proposal package or who would like additional information, may write the contracting officer, Gary Dodge, Assistant Commissioner for Management Support, at the address provided above, or call (612) 296-3700.

Description: The United States Department of Labor and the Minnesota Department of Economic Security are in the process of initiating an experimental project. The purpose of this project is to develop criteria that can be used in determining the most desirable location for service offices of the U.S. Employment Service (ES) and Unemployment Insurance Service (UI).

The Request For Proposal (RFP) that is being made herein is for a private contractor to submit a proposal that would provide an APL computer service that could run the project's computerized location program on a request basis during the experimental period.

During the experimental period, various users will have data prepared for a study of potential office locations in a defined area. Access to the computer will be controlled by the Project Officer with assigned identifying codes for study area and type of application. The user will input data by interactive teletype compatible terminal or by a data tape and will specify certain outputs from the program application to the data base for their area. In addition to providing computer time for output runs and short term disc storage, the contractor will also provide data storage on tape which can be reactivated whenever necessary during the period of the contract. Because of the experimental nature of the project, programming support may be required to refine or revise the programs and their documentation.

It is anticipated that the initial contract would be for a one (1) year term with a provision for an option renewal year. This Request For Proposal does not obligate the State to complete the project and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

Cost: One award will be granted for a minimum of \$20,000 but not to exceed \$58,000 for professional services and expenses.

Final Proposal Submission Date: Not later than 3:00 PM, March 30, 1979.

OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject,

either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Energy Agency

Notice of Proposed Rules Governing Outdoor Display Lighting

Notice is hereby given that the Minnesota Energy Agency is proposing the following rules defining outdoor display lighting, specifying permissible hours of operation of outdoor display lighting and establishing quantity and efficiency standards for outdoor display lighting pursuant to Minnesota Statutes section 116H.12, subdivision 1a and 1b. The Agency intends to hold public hearings on the proposed rules in May to ensure maximum legislative reaction and input, as intended by the statute cited above. The official Notice of Hearing indicating the date, time and place of hearing will appear in the *State Register* in late March. The jurisdictional documents required by law and rules will also be prepared by that time.

February 15, 1979

Richard A. Wallen
Manager, Policy Analysis

Proposed Rules Governing the Permissible Hours of Operation, the Quantity and the Efficiency of Outdoor Display Lighting

Chapter 21
Ea 2101-2120

Ea 2101 Purpose of Rules.

The purpose of these rules is to define outdoor display lighting, to specify permissible hours of operation of outdoor display lighting, and to establish quantity and efficiency standards for outdoor display lighting pursuant to Minnesota Statutes Section 116H.12, subdivision 1b.

Ea 2102 Applicability of Rules.

A. Beginning July 1, 1980, no person shall operate outdoor display lighting during hours other than those specified by these rules.

B. Beginning July 1, 1981, no person shall install outdoor display lighting in a quantity that exceeds, or at an efficiency less than, that provided by these rules.

C. Beginning July 1, 1985, no person shall operate outdoor display lighting which does not comply with rules Ea 2115 (efficiency) and Ea 2120 b (quantity).

D. Exceptions.

1. These rules shall not apply to temporary or seasonal outdoor display lighting;

2. These rules shall not apply to outdoor display lighting which provides information as to the time of day, temperature, weather conditions, or other matters concerning the public health, safety and welfare;

3. These rules shall not apply to penal institutions;

4. These rules shall not apply to airplane obstruction lighting as defined by the Federal Aviation Administration nor to any other lighting that is required by federal, state, or local governmental law or regulation.

Ea 2104 Definitions.

For purposes of these rules, the following definitions shall apply:

A. "Business day" means that portion of a 24-hour period when an establishment is open for business;

B. "Ballast" means a device used with an electric discharge lamp to obtain the necessary circuit conditions for starting and operating;

C. "Daytime hours" means the time between one half hour after sunrise and one half hour before sunset, or when the ambient light level is greater than two foot candles;

D. "Establishment" means a place of business or a public or private institution;

E. "Foot candle" means a standard measure of light intensity;

F. "Luminous sign tubing" means lights commonly known as neon lights;

G. "Lumens per watt" means a standard unit of measure of light efficiency;

H. "Outdoor display lighting" means any outdoor building facade lighting, any outdoor decorative lighting, any

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illuminated off-premise advertising, and any on-premise outdoor lighting including security lighting;

I. "Security lighting" means a type of outdoor display lighting located on, or around the exterior or perimeter of, a building, structure, fence, lot, or other outdoor area, the purpose of which is to protect persons or property against the threat or occurrence of harm;

J. "Standardized Outdoor Display Signs" means off-premise outdoor display advertising commonly known as billboards;

K. "Temporary or seasonal display lighting" means display lighting that, on at least 300 consecutive days in any 12-month period, is not illuminated.

Ea 2110 Permissible Hours of Outdoor Display Lighting Operation.

A. Standardized outdoor display signs may not be artificially illuminated during daytime hours.

B. Standardized outdoor display signs may not be artificially illuminated during the period between midnight and 6:00 a.m. or one half hour after sunrise, whichever is earlier, except for the hours during that period when the establishment(s) being advertised is (are) open for business.

C. Outdoor display lighting that is used to illuminate a historic landmark as defined in Minn. Stat. ch. 138 or § 4.077 may be operated between one half hour before sunset and 10 p.m.

D. All other outdoor display lighting except security lighting may be operated from one half hour before sunset until one hour after the close of a business day and from the beginning of a business day until one half hour after sunrise.

E. Security lighting may not be operated during daytime hours.

Ea 2115 Permissible Efficiency.

A. No person shall install or use outdoor display lighting in which the light source produces light at an initial efficiency, including ballast, of less than 40 lumens per watt.

B. Exceptions.

1. Rule Ea 2115 shall not apply to luminous sign tubing.

2. Rule Ea 2115 shall not apply to any establishment whose total outdoor display lighting system has a demand of 1500 watts or less.

Ea 2120 Permissible Quantity.

A. Beginning July 1, 1980, the provisions of Rule Ea 2102 b and c notwithstanding, no person shall operate security lighting that exceeds .05 watts per square foot or .2 foot-candles for the area lighted for security purposes.

B. No person shall operate any other outdoor display lighting that exceeds the recommended minimum standards set forth in the "IES Lighting Handbook" published by the Illuminating Engineering Society by more than 20 percent.

C. Rule Ea 2120 shall not apply to an establishment whose total security lighting system has a demand of 1500 watts or less.

Office of the Governor Notice of Appointment of Department Heads

Notice is hereby given of the following department head appointments made pursuant to Minn. Stat. § 15.06, subd. 2. The effective date of each appointment is listed below.

<i>Dept.</i>	<i>Name</i>	<i>Date</i>
Energy	Algernon Johnson	2/17/79
Natural Resources	Joseph Alexander	2/6/79

Department of Natural Resources Soil and Water Conservation Board

Notice of Change of Meeting Date

The Minnesota Soil and Water Conservation Board has changed their meeting date from March 13, 1979 to March 6, 1979. They will meet on the 6th floor of the Space Center Building, 444 Lafayette Road, St. Paul, Minnesota 55155.

Public Service Commission

Notice of Intent to Solicit Outside Opinion Concerning Rules Governing Inter-exchange Calling by Minnesota Telephone Customers

Notice is hereby given that the Public Service Commission may propose rules governing inter-exchange calling by Min-

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nesota telephone users as alternatives to toll calls. In the process of proposing these rules, the Commission may seek opinions from telephone companies, customers, and others.

Inter-exchange calling refers to the ability of a customer in one exchange to complete calls to customers in other exchanges. The primary way this is accomplished now is by charging a separate toll charge for each call. The Commission is considering rules which will offer alternatives to the toll calling system such as a flat rate for all toll calls between certain exchanges, a flat rate for calls up to a certain number per month, or discounts for calls made during certain times of the day.

Opinions from the public are requested especially on the following: 1) how exchanges can be identified as appropriate for an alternative to toll calling; if "community of interest" is the criteria used, how that can be quantified; 2) whether the plans should be made available on a total exchange basis or an individual customer basis; 3) how the price for the service should be determined; 4) what procedures should be used to initiate the services or discontinue them.

Other opinions related to these questions are encouraged. These rules may apply to existing inter-exchange services as well as to new service offerings.

All statements and information received will be included in the public record of any rules hearing held on this subject. Information should be addressed to:

Stephen A. Finn, Acting Secretary
Minnesota Public Service Commission
Seventh Floor
American Center Building
160 East Kellogg Boulevard
St. Paul, Minnesota 55101

Stephen A. Finn
Acting Secretary

Department of Transportation

Notice of Application and Opportunity for Hearing Regarding Chicago and North Western Transportation Company for Authority to Retire and Remove Morton Salt Track at St. Paul, Minnesota

Notice is hereby given that Chicago and North Western Transportation Company with attorneys at 4200 IDS Center, 80 South 8th Street, Minneapolis, Minnesota 55402 has

filed a petition with the Commissioner of Transportation pursuant to Minn. Stat. § 219.741 and § 218.041, subd. 3 (10) to retire and remove Morton Salt Track located at St. Paul, Minnesota.

The petition recited among other matters that:

"The subject track is no longer needed for rail transportation service, and constitutes a continuing and burdensome maintenance expense. The track is not used at the present time, and there is no present prospect that the subject track will be needed in the future. Further, the City of St. Paul has requested the early removal of this track."

Any person may file a written objection to the proposed action by means of a letter addressed to the Commissioner of Transportation, Transportation Building, Saint Paul, Minnesota 55155, not later than the date specified below. An objection must be received on or before March 26, 1979. The objection should state specifically how the objector's interest will be adversely affected by the proposed action.

Upon receipt of a written objection, the Commissioner will, with respect to the named petitioner, set the matter down for hearing. If no objections are received, the Commissioner may grant the relief sought by the petitioner.

If this matter is set for hearing, any person who desires to become a Party to this matter must submit a timely Petition to Intervene to the Hearing Examiner pursuant to Minn. Rule HE 210, showing how the person's legal rights, duties and privileges may be determined or affected by the decision in this case. The petition must also set forth the grounds and purposes for which intervention is sought. All parties have the right to be represented by legal counsel or any other representative of their choice. In the event the objecting party does not do so, or otherwise does not participate in the hearing, the statements contained in the application filed may be taken as true.

February 26, 1979

Richard P. Braun
Commissioner

Notice of Application and Opportunity for Hearing Regarding Chicago and North Western Transportation Company for Authority to Retire and Remove ICC Track No. 10 at Marshall, Minnesota

Notice is hereby given that Chicago and North Western Transportation Company with attorneys at 4200 IDS Cen-

OFFICIAL NOTICES

ter, 80 South 8th Street, Minneapolis, Minnesota 55402 has filed a petition with the Commissioner of Transportation pursuant to Minn. Stat. § 219.741 and § 218.041, subd. 3 (10) to retire and remove I.C.C. Track No. 10 located at Marshall, Minnesota.

The petition recites among other matters that:

“The subject track is no longer needed for rail transportation service, and constitutes a continuing and burdensome maintaining expense. The track is not used at the present time, and there is no present prospect that the subject track will be needed in the future. Further, the City of Marshall has requested the removal of this track.”

Any person may file a written objection to the proposed action by means of a letter addressed to the Commissioner of Transportation, Transportation Building, Saint Paul, Minnesota 55155, not later than the date specified below. An objection must be received on or before March 26, 1979. The objection should state specifically how the objector's interest will be adversely affected by the proposed action.

Upon receipt of a written objection, the Commissioner will, with respect to the named petitioner, set the matter down for hearing. If no objections are received, the Commissioner may grant the relief sought by the petitioner.

If this matter is set for hearing, any person who desires to become a Party to this matter must submit a timely Petition to Intervene to the Hearing Examiner pursuant to Minn. Rule HE 210, showing how the person's legal rights, duties and privileges may be determined or affected by the decision in this case. The petition must also set forth the grounds and purposes for which intervention is sought. All parties have the right to be represented by legal counsel or any other representative of their choice. In the event the objecting party does not do so, or otherwise does not participate in

the hearing, the statements contained in the application filed may be taken as true.

February 26, 1979

Richard P. Braun
Commissioner

Office of the Secretary of State Administration Division Open Appointment Process: Notice of Openings on State Agencies — Application Procedures

Pursuant to Laws of 1978, ch. 592, the legislature has implemented an Open Appointment process by which the public is informed of openings on state multi-member agencies (boards, commissions, councils) created by statute and having statewide jurisdiction.

Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul, MN 55155, (612) 296-3266. Contact the Secretary of State for the Open Appointment Process information brochure and specific agency related information. Application deadline is Friday, March 23, 1979.

Department of Corrections State Task Force on Battered Women: Six (6) vacancies; open immediately; Two (2) delegates and four (4) alternates. The Task Force advises the Commissioner of Corrections on all funding and program decisions relative to the implementation of legislation regarding the Battered Women Programs. Persons interested in applying should be knowledgeable in the fields of health, law enforcement, social services or the law. The Task Force usually meets one evening per month at the Metro Square Building in St. Paul. Members are reimbursed for travel, meals and lodging.

STATE OF MINNESOTA
OFFICE OF THE STATE REGISTER

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408 St. Peter Street
St. Paul, Minnesota 55102
(612) 296-8239

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